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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/684,464	10/15/2003	Jean-Claude Hauer	Q74306	4684
23373	7590	12/06/2006	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			KATCHEVES, BASIL S	
			ART UNIT	PAPER NUMBER
			3635	

DATE MAILED: 12/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/684,464	HAUER ET AL.	
	Examiner Basil Katcheves	Art Unit 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 23 October 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-6,8-14,18-21 and 25-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-6,8-14,18-21 and 25-32 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The applicant has cancelled claims 7, 15-17 and 22-24. Pending claims 1-6, 8-14, 18-21 and 25-32 are examined below.

Claim Objections

Claim 5 is objected as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The plane coordinates provide no reference to each other and are confusing.

Claim 27 appears to be missing the word "with" in line 7. Clarification is required.

Claim 28 recites the limitation "said seal" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 6, 9, 12, 19, and 27-31 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 2,012,885 to Lovatt.

Regarding claim 1, 27, 30, 31, Lovatt discloses a closing device comprising a frame (fig. 1: surrounding door), a cover (fig. 1: door), a frame hinge knuckle (fig. 5: hatched area where 30 points), the hinge knuckle having a hinge surface (fig. 5: surface

area inside where 29 points) and a pass through hinge knuckle opening (fig. 5: top opening of knuckle where numeral 46 is and adjacent to top of 30) between the outside and inside, the cover includes a hinge knuckle (fig. 5: hatched member where 44 points), with a pivot that extends into the outer area (fig 5: area top surface where 43 points and is exposed to the exterior), when the cover is closed, and an inserted plug (fig. 5: 48) positioned in the inner recess and separate from the cover.

Regarding claim 3, Lovatt discloses the plug as capable of evacuating dirt from outside by being lifted up, thus allowing dirt to fall into the frame knuckle through the hinge knuckle opening.

Regarding claim 6, 12, Lovatt discloses the hinge knuckle opening as delimiting at least a blocking surface of the cover when open.

Regarding claim 9, 19, Lovatt discloses the door as being capable of performing as a man hole.

Regarding claim 28, Lovatt discloses the seal of the knuckle group as blocking dirt.

Regarding claim 29, Lovatt discloses the capability of the seal contacting dirt when the door is open and sweeping the dirt outside the knuckle.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 4, 5, 8, 10, 11, 13, 14, 18, 20, 21, 25, 26 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 2,012,885 to Lovatt.

Regarding claims 2, 26, and 32, Lovatt does not disclose the plug as made from an elastomer. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Lovatt by using an elastomeric material, since Lovatt discloses the use of elastomer gaskets, in order to creat a tighter seal.

Regarding claims 4, 8, Lovatt discloses the knuckle as elastic as per the rejection of claim 2. Lovatt also discloses the means for evacuating dirt as being the element (48) movable between a blocking position (closed) and an open position which allows dirt to pass through into the opening.

Regarding claim 5, Lovatt discloses the frame as being on one plane and the movable sealing lip (edge of 48) bending around a different plane.

Regarding claim 10, Lovatt discloses the plug as capable of evacuating dirt from outside by being lifted up, thus allowing dirt to fall into the frame knuckle through the hinge knuckle opening.

Regarding claim 11, 13, 14, Lovatt discloses the hinge knuckle opening as delimiting at least a blocking surface of the cover when open.

Regarding claims 18, 20, 21, Lovatt discloses the device as being capable of use as a manhole.

Regarding claim 25, Lovatt discloses the plug as made from a single piece.

Response to Arguments

Applicant's arguments filed 10/23/06 have been fully considered but are moot under new grounds of rejections necessitated by the applicant's amendment.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Basil Katcheves whose telephone number is (571) 272-6846. The examiner can normally be reached on Monday-Friday from 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Naoko Slack, can be reached at (571) 272-6848.

BK

12/4/06


Basil Katcheves

Examiner AU 3635